



JWA/AF  
PATENT  
Attorney Docket 045636-5081

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Jean Fioramonti et al.**) Confirmation No. **1258**  
)  
Application No. **10/509,255**) Group Art Unit: **1645**  
)  
Filed: **May 23, 2005**) Examiner: **Lakia J. Tongue**  
)  
For: **Use of Lactobacillus Farciminis for the**) Date: **November 14, 2006**  
**Prevention or Treatment of Digestive**  
**Pathologies (as amended)**)

U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop AF  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

### TRANSMITTAL FORM

1. Transmitted herewith is an Amendment Under 37 C.F.R. 1.116 in response to the Final Office Action dated July 17, 2006.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for a one-month extension of time from October 17, 2006 to November 17, 2006, the fee for which is **\$120.00** as set out in 37 C.F.R. 1.17(a). If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a petition therefore. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
3. Fee Calculation (37 C.F.R. 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	4	minus	20	0	\$50.00 each=	0.00
Independent Claims	1	minus	3	0	\$200.00 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
					Sub-total =	0.00
					Reduction by ½ for filing by a small entity	0.00
					Total Fee =	\$0.00

4. **Fee Payment:** The Commissioner is hereby authorized to charge **\$120.00** to Deposit Account No. 50-0310 for payment of the one-month extension of time fee.
5. **Constructive Petition:** Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **November 14, 2006**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

*Elizabeth C. Weimar*  
Elizabeth C. Weimar  
Registration No. 44,478